

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRIN AUSTIN MILLS,

Petitioner,

Case No. 1:03-cv-626

v.

Honorable Wendell A. Miles

JOHN CASON,

Respondent.

ORDER

This is a habeas corpus action brought by a state prisoner pursuant to 28 U.S.C. § 2254. On September 8, 2006, the Court entered an opinion and order dismissing the petition. Petitioner subsequently filed a notice of appeal and a motion for leave to appeal *in forma pauperis*. In an order issued on October 4, 2006, the Court granted Petitioner leave to proceed *in forma pauperis* on appeal and denied him a certificate of appealability (docket #50).

Petitioner subsequently filed a motion for certificate of appealability (docket #51) and supporting brief (docket #52), and a motion for reconsideration of the Court's order denying him a certificate of appealability (docket #53). In his motion for reconsideration, Petitioner complains that the Court prematurely denied him a certificate of appealability before he had an opportunity to file his motion for certificate of appealability. The Court has reviewed Petitioner's motion for certificate of appealability and supporting brief and continues to maintain that reasonable jurists could not find that the dismissal of Petitioner's claims was debatable or wrong. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Therefore:

IT IS ORDERED that Petitioner's motions for certificate of appealability (docket #51) and for reconsideration of the Court's order denying him a certificate of appealability (docket #53) are DENIED.

Dated: November 20, 2006

/s/ Wendell A. Miles

Wendell A. Miles

Senior United States District Judge